

*Intellectual Property and Technology Related Causes*

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December 27, 2001

Mr. Joseph W. Hammel  
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Via Facsimile: (612) 340-2777

**RE: U.S. Patent Application for:  
Storage Technology Corporation  
Invention Disclosure No.: 2001-028-NSC  
Our File No.: STK 01028 PUS**

Dear Mr. Hammel:

I am writing in response to your letter dated December 20, 2001 regarding Mr. Kuik's newly expressed concerns relating to the above-identified patent application.

First, whether the invention is patentable will be determined through the examination process before the U.S. Patent Office. As a result, there is no need for an investigation by Mr. Kuik of the type mentioned in your letter. Nevertheless, if Mr. Kuik believes he needs to perform such an investigation, StorageTek has no objection. In that regard, however, Mr. Kuik's statements that the subject matter of the application "previously existed in the public domain," that "there is prior art in the academic community," that "the work at StorageTek was derivative of academic work," and that there "already are several companies with products in the area," are indefinite, vague and unsubstantiated. If Mr. Kuik is now or becomes aware of information he believes to be prior art that he believes to be material to the patentability of the invention, then we request, as we did previously, that he specifically identify such information to us so that it can be brought to the attention of the U.S. Patent Office during prosecution of this application.

Second, Mr. Kuik's statement that StorageTek "may not have correctly identified or given credit to all the persons who should be listed as the actual inventors" lacks specificity. If Mr. Kuik believes there are other individuals that may be inventors, then we request, as we did previously, that he specifically identify those individuals so that an investigation may be undertaken to determine if they should be named as inventors. Our investigation has identified as inventors those individuals that have been revealed to Mr. Kuik, each of whom have agreed that the proper inventors have been named.

Finally, Mr. Kuik's indication that, in order to review the application, he "probably would need to speak with certain representatives of StorageTek" is confusing and fails to specifically identify anyone at StorageTek that he might need to contact. From your letter it is clear that Mr. Kuik has, in fact, already reviewed the application. It is therefore unclear why he is not sure whether it is necessary to speak to others. In that regard, the application has been reviewed and approved by all of the other inventors. Further, Mr. Kuik's position that he "would only be willing to work on this patent application" if, among other things, he did not have to work with StorageTek's appointed counsel or anyone involved in the litigation involving himself and StorageTek is not acceptable. StorageTek has the right to choose its counsel, and Mr. Kuik may not dictate otherwise or hold the application hostage by refusing to



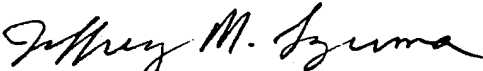
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communicate with StorageTek's counsel. If Mr. Kuik is uncomfortable working directly with StorageTek personnel or its attorneys on this application, then Mr. Kuik may retain counsel to act as his representative in that capacity. In that regard, StorageTek would be willing to pay up to a maximum of \$2000 for such representation. Such an arrangement would alleviate Mr. Kuik's concerns, and would be acceptable to StorageTek, provided of course any counsel retained by Mr. Kuik is independent, having no connection with Cisco or any of the litigation involving Cisco, Mr. Kuik, or StorageTek. Any counsel retained by Mr. Kuik for such purposes would be required to agree to maintain this matter, which is StorageTek confidential and proprietary information, as confidential, and would have to be identified to us in advance of any disclosure thereto by Mr. Kuik.

We trust the above provisions, like those made for Mr. Kuik's previous concerns regarding power of attorney and his compensation for reviewing the application, are satisfactory. We would once again appreciate confirmation from you that this information has been communicated to Mr. Kuik. We look forward to hearing from Mr. Kuik no later than March 4, 2002. If we do not hear from him by that time, we will assume that he has refused to sign the declaration and assignment, and will take those steps necessary to pursue the application in the absence of his cooperation.

Very Truly Yours,

BROOKS & KUSHMAN P.C.

  
Jeffrey M. Szuma